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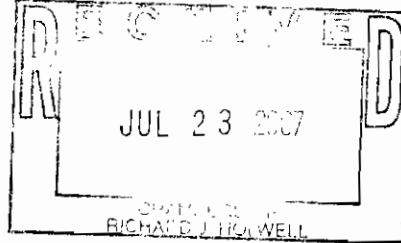
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July 23, 2007

The Honorable Richard J. Holwell
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: New York State Restaurant Ass'n v New York City Bd. of Health, et al.
Case No. 07-cv-5710 (RJH)

Dear Judge Holwell:

I am writing on behalf of *amicus curiae* U.S. Representative Henry Waxman and Former FDA Commissioner David A. Kessler, M.D., *et al.*, to request leave to participate in the oral argument in this case on July 25th. *Amici* believe they can be of assistance to the Court in evaluating the preemption issues in the case and, in particular, the points raised in the New York State Restaurant Association's 48-page reply brief.

Nancy Milburn, counsel for the New York City Restaurant Association, indicated that the Association does not consent to this request. Mark W. Muschenheim, counsel for the New York City Board of Health, indicated that the City consents to this request, provided that it does not reduce the amount of time allocated to the City.

Application Granted
SO ORDERED

Sincerely,

Deepak Gupta
Counsel for *Amici Curiae*

cc: Nancy Milburn
Mark Muschenheim

VSA
7/25/07

